

Planning

Filing

Following
Through



Massachusetts Department of Environmental Protection
Bureau of Resource Protection
WPA Form 3
Massachusetts Wetland Protection Act

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A. General Information

1. Project Location (Not to exceed 1000 words)

Whipple Hill Conservatory

a. Street Address

Latitude and Longitude

multiple - see narrative

f. Assessors Map/Plat Number

2. Applicant:

a. First Name

Lexington Conservation

c. Organization

1625 Massachusetts

d. Street Address

Lexington

e. City/Town

781-862-0500 x 240

h. Phone Number

3. Property owner (required)

Town of Lexington Conservation

a. First Name

Town of Lexington Conservation

c. Organization

1625 Massachusetts

d. Street Address

Lexington

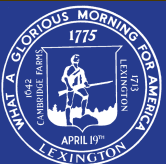


WETLAND TRAIL PERMITTING



Before you start

- ❑ Build a track record with non-wetland trail projects
- ❑ Look at existing examples, copy successful designs, don't reinvent the wheel
- ❑ Find a mentor who already did this
- ❑ Get friendly with your conservation administrator



PLANNING

Start with a solid project basis

- ❑ Your project should have a net environmental benefit
- ❑ Locate your project outside of special environmental areas classified by the government (ACEC, BioMap2, NHESP, FEMA Flood Zones)
- ❑ Answer questions and objections during the planning phase, not at the public hearings
- ❑ Two principal questions the Conservation Commission (concomm) will want answered about your project
- ❑ What problems does your project address?
- ❑ How does your project solve those problems? (design characteristics)



PLANNING

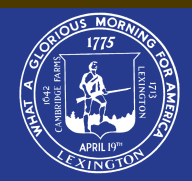
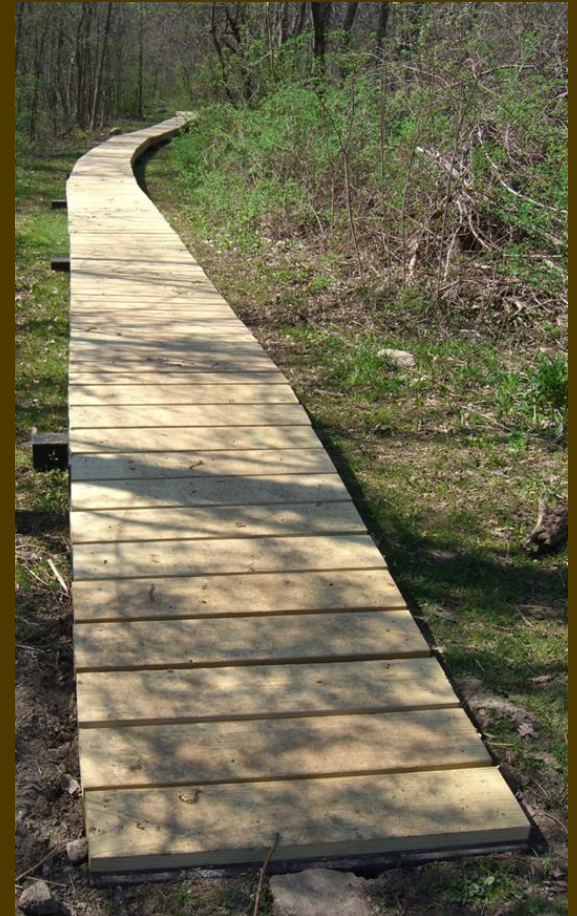
What problems does your project address?

- ❑ Users need to be kept in a predefined space away from wetland resources to protect the environment
- ❑ Visitor safety
- ❑ Public demand for access to property acquired and maintained with their tax \$\$, leading to stronger public support for natural area preservation
- ❑ Users want to visit wetlands because they are some of the most interesting natural places
- ❑ The public is already damaging the wetland by using the property via unplanned trails
- ❑ The trail cannot be moved to avoid wetland crossings



How does your project solve problems?

- ❑ When can you get away without a boardwalk?
- ❑ How to build boardwalks that will get approved



PLANNING

Solutions, in order of preference

- ❑ Do nothing (wet only a few weeks, lightly used)
- ❑ Build or relocate the trail somewhere else

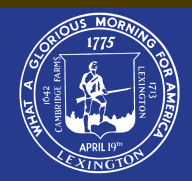
	Rock Paving	Boardwalk
Materials	Native on site	Hand carried in
Flexibility	Limited sites	Anywhere
Cost / linear foot	\$0	\$20
Appearance	Natural	Manmade
Installation linear feet / labor hour	0.3	2
Longevity	Infinite	25 years



PLANNING

Rock paving

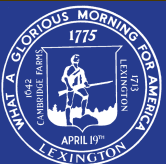
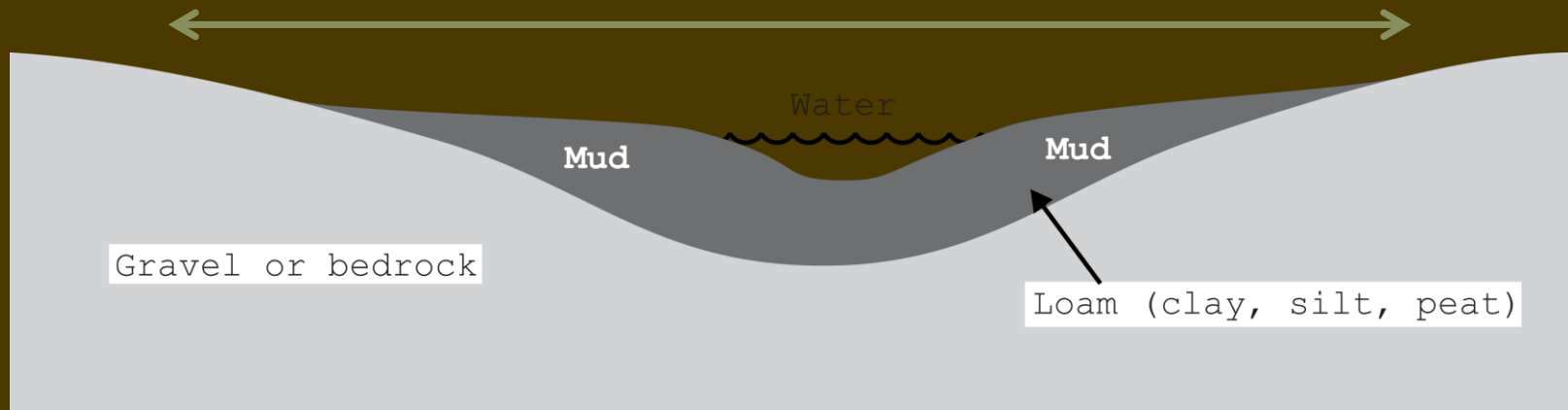
- ❑ Bumpiness can drive users off trail
- ❑ Can be difficult to build so as not to impede the natural flow of water
- ❑ Natural stepping stones in water rarely work for all users all year round, need to be supplemented



PLANNING

Boardwalk characteristics: Length

- ❑ Locate trail for the shortest wetland crossing
- ❑ Legal wetland boundary is usually a good extent
- ❑ Limits of worst water or mud in spring
- ❑ Review conditions over long time and varied weather
- ❑ Often end up longer than your initial estimate



PLANNING

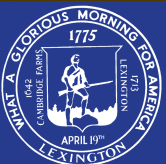
Boardwalk characteristics: Width

- ❑ Visitors won't use it if too narrow
- ❑ 3 feet is comfortable for most human powered users so they stay on the structure
- ❑ Wider is called for if longer or higher structures, railings, non-human-powered users, and winter users



Boardwalk characteristics: Height

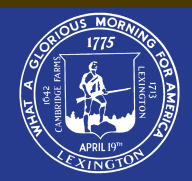
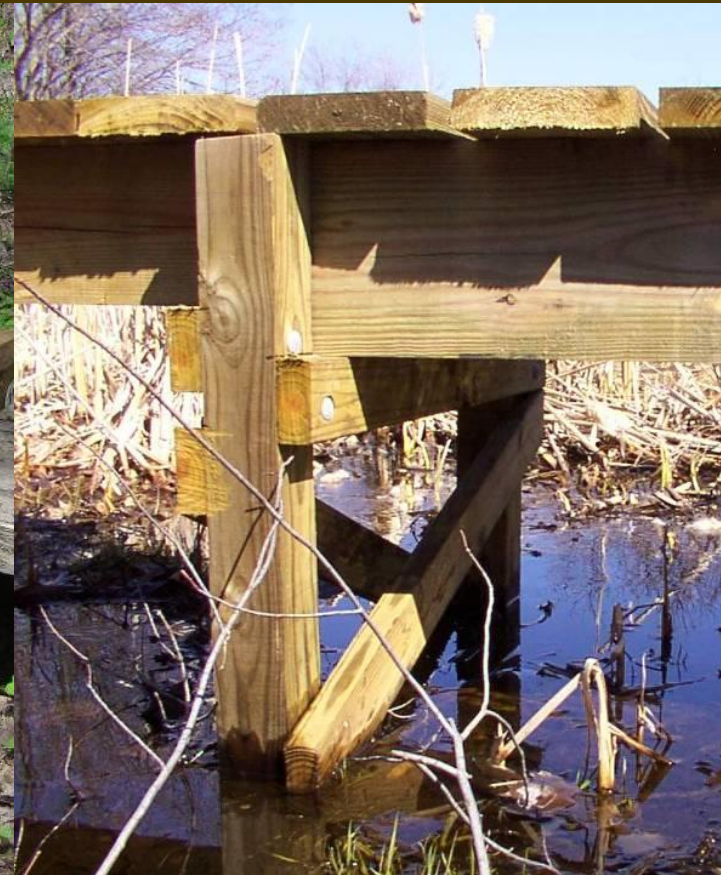
- ❑ High enough for light, water, and wildlife to pass underneath
- ❑ Annual high water varies a lot
- ❑ Over 30 inches: Needs railings (code) (Avoid!)
- ❑ Use fatter stringers to reduce overall height



PLANNING

Boardwalk characteristics: Foundations

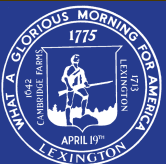
- ❑ Sills or Trestles
- ❑ Smaller ground footprint is better environmentally, include footprint area in your filing



PLANNING

Boardwalk characteristics: General

- ❑ Build like a home deck or stronger
- ❑ Take extra care on stream banks to build on solid ground above the bank
- ❑ Make transitions to the trail smooth in all directions so the structure is always the best place to travel



PLANNING

Do you need a permit at all?

- ❑ Local conservation commissions and land managers vary widely in their requirements and enforcement
- ❑ Ask permission before rather than apologize later
- ❑ Be wary of land managers that casually dismiss the need for permitting



FILING

Preparation for filing

- ❑ Get written permission for your project from the land owner / manager (municipal, land trust, non-profit, private with public easement) to include in your filing
- ❑ Wetland and other permitting comes after RTP and other grant approvals (your budget may change)
- ❑ Gather written constituent support, especially relative to education of students
- ❑ Determine who is filing. Ex: DCR usually files for their properties
- ❑ Document nearby existing examples of what you propose to do



FILING

Working with cities and towns

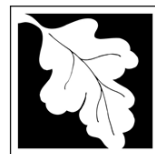
- ❑ Talk to your conservation administrator – she is your key source of assistance
- ❑ You are not a real estate developer or builder, you are a conservationist and friend
- ❑ Expect to be held to the same standards as developers and builders



FILING

Filing options

- ❑ Request for Determination of Applicability (RDA)
 - Negative determination means green light, usually because project is small and has net positive environmental impact, and may impose some conditions
 - Positive determination means NOI is required
- ❑ Notice Of Intent (NOI), the full filing
- ❑ Abbreviated Notice Of Intent, possible in some cases
- ❑ You can DIY, hiring a civil engineering firm is rarely necessary



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

Important:
When filling out
forms on the
computer, use

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

FILING



Example project: Whipple Hill Conservation Area

- ❑ Town owned
- ❑ Recreational Trails Program (RTP) grant project
- ❑ Has a variety of terrain, wetlands, and vegetation
- ❑ Printed handouts
 - Project background and history
 - Detailed planning map
 - NOI map
- ❑ Downloads
 - NOI form
 - NOI narrative



FILING

Conservation commission field visit

- ❑ Not all concommms do these
- ❑ Requesting an informal visit prior to filing can be useful
- ❑ Have at least 2 project leaders present and prepared
- ❑ Usually helps approval by making your proposal tangible



FOLLOWING THROUGH

Public hearing

- ❑ Required by law
- ❑ Abutters are formally invited
- ❑ Decision is made here
- ❑ Have at least 2 project leaders present and prepared
- ❑ May be continued, and there is an appeal period after approval, so don't schedule work tightly



FOLLOWING THROUGH

Challenges

Objection

Response

Trail is historic so can't change	National historic trails like the AT are improved and moved all the time
No new trails (you may encounter higher resistance than improvements to existing)	Have a good reason for building new (the Planning slides)
Wetland delineation?	The entire project is within a wetland boundary, no dispute
Looks manmade and ugly	Designed for site environment, PT wood weathers to natural gray in a few years
Needs railings	Code doesn't require if < 30"



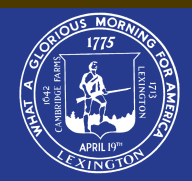
FOLLOWING THROUGH

Challenges

Objection

Response

Strong enough for all users?	Density of users in the field is equal or less than home deck
Non-skid surfaces?	PT wood isn't very slippery, rough cut PT must be custom milled, sand paint doesn't last, nailed-on surfaces are a hazard
Avoid PT in contact with ground or no PT at all	Use recycled plastic for ground contact, other uses must be wood for strength and traction
PT / plastic sawdust?	Do cutting away from wetland or at trailhead or on tarp



FOLLOWING THROUGH

Challenges

Objection

Response

Vehicles on conservation land?	Only the minimum, on suitable dirt roads
No power tools in the woods	Some necessary, handheld only, fall back to battery
Improvement will invite riffraff	Increasing legitimate visitation has the opposite effect
Make it narrower / shorter	See Planning slides, reduce project scope, but you'll be back to say "I told you so"
Silt fencing?	Site is stable at end of workday, silt fence installation creates more damage



FOLLOWING THROUGH

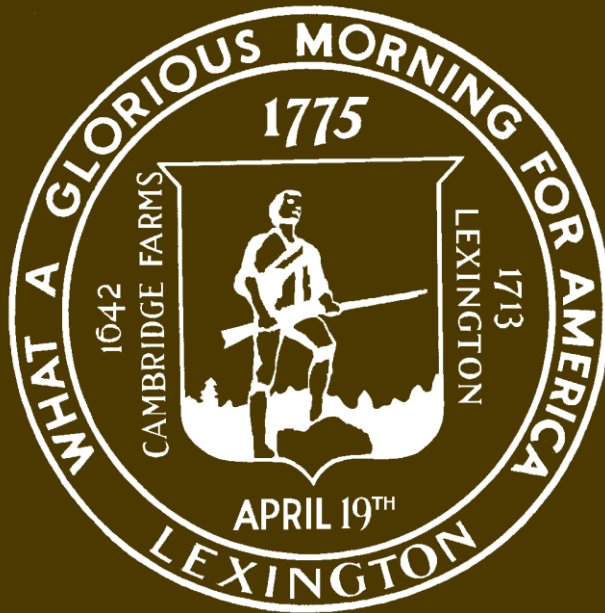
After approval

- ❑ Finish what you said you were going to do
- ❑ Not a given, volunteers run out of steam or change lifestyle
- ❑ Solid execution will make permitting the next project easier



FOLLOWING THROUGH

Lexington



Conservation Stewards



END